

ESTTA Tracking number: **ESTTA688725**

Filing date: **08/10/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Pennsylvania Coalition Against Rape
Granted to Date of previous extension	08/09/2015
Address	125 North Enola Drive Enola, PA 17025 UNITED STATES

Attorney information	Jacob Bishop Dechert LLP 1095 Avenue of the Americas New York, NY 10036 UNITED STATES trademarks@dechert.com, daniel.hope@dechert.com
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Applicant Information

Application No	86381938	Publication date	02/10/2015
Opposition Filing Date	08/10/2015	Opposition Period Ends	08/09/2015
Applicant	Take Back The Night Foundation PO Box 332 Wayne, PA 19087 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2014/03/20 First Use In Commerce: 2014/03/20 All goods and services in the class are opposed, namely: Promoting public awareness of sexual assault, sexual violence and healthy relationships; Public advocacy to promote awareness of sexual assault, sexual violence and healthy relationships

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23

Attachments	TAKE BACK THE NIGHT -- Notice of Opposition.pdf(1872451 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/Jacob Bishop/
Name	Jacob Bishop
Date	08/10/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of Take Back the Night Foundation

Mark: TAKE BACK THE NIGHT and Design

Serial No.: 86/381,938

Published in the Official Gazette of February 10, 2015

PENNSYLVANIA COALITION AGAINST
RAPE

Opposer,

V.

TAKE BACK THE NIGHT FOUNDATION

Applicant.

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OPPOSITION NO.

NOTICE OF OPPOSITION

Opposer Pennsylvania Coalition Against Rape (“Opposer”), a Pennsylvania non-profit corporation with an address at 125 North Enola Drive, Cumberland, Pennsylvania 17025, believes it will be damaged by the registration of the mark shown in Application Serial No. 86/381,938, and therefore opposes registration.

The grounds for this opposition are as follows:

1. Since the late 1970s, the phrase “Take Back the Night” has been used by the general public in connection with marches and other events held to promote public awareness of sexual assault and sexual violence. “Take Back the Night” events typically consist of evening rallies followed by marches, speak-outs, and/or candlelight vigils on sexual violence. Countless rape

crisis centers, universities, non-profit organizations, and municipalities hold and sponsor such “Take Back the Night” events. See Exhibit A.

2. On information and belief, Applicant Take Back the Night Foundation (“Applicant”) was formed in August 2009, and promotes public awareness of sexual assault and violence through the organization, administration, and promotion of marches and other special events, consistent with the activities outlined in Paragraph 1 of this Notice of Opposition.

3. On August 31, 2014, Applicant filed an application for U.S. registration of TAKE BACK THE NIGHT and Design (“Applicant’s Mark”) that covers “promoting public awareness of sexual assault, sexual violence and healthy relationships; public advocacy to promote awareness of sexual assault, sexual violence and healthy relationships” in International Class 35 (“Applicant’s Services”). The application claims that Applicant’s Mark was first used anywhere on March 20, 2014, and was first used in commerce on March 20, 2014. The application was designated Serial No. 86/381,938, and was published for opposition in the *Official Gazette* on February 10, 2015 (the “Application”).

4. The phrase “Take Back the Night” is generic for Applicant’s Services.

5. In the alternative, the phrase “Take Back the Night” is merely descriptive for Applicant’s Services, and Applicant cannot prove that the phrase “Take Back the Night” has acquired distinctiveness for Applicant’s Services.

6. Opposer will be damaged by registration of Applicant’s Mark. If Applicant is granted registration of Applicant’s Mark in connection with Applicant’s Services, the registration would grant Applicant a *prima facie* exclusive right to use the phrase TAKE BACK THE

NIGHT as an indicator of source for its services, when the phrase should be available for use by Opposer and other third parties.

WHEREFORE, Opposer prays that Application Serial No. 86/381,938 be refused registration and that this opposition be sustained.

Dated: August 10, 2015

Respectfully submitted,

/Jacob Bishop/
Glenn Gundersen
Jacob Bishop
Daniel Hope
DECHERT LLP
Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
(215) 994-2183

Attorneys for Opposer,
**PENNSYLVANIA COALITION
AGAINST RAPE**

Certificate of Service

I hereby certify that, on August 10, 2015, a true and correct copy of the foregoing Notice of Opposition has been duly served by sending such copy by email (as per agreement between the parties) to Gregory S. Bernabeo of Saul Ewing LLP, at GBernabeo@saul.com.

/Jacob Bishop/
Jacob Bishop

Exhibit A



History of Take Back the Night

Take Back the Night's roots may lie in 1877 when women protested the fear and violence they experienced in the night-time streets of London, England.

Others believe that the first rally occurred in 1976 when women attending the International Tribunal on Crimes Against Women lit candles and took to the moonlit streets of Belgium to denounce the continuation of violence against women. While the origins of Take Back the Night may be disputed, its impact is undeniable. Since its inception, thousands of marches and rallies bearing the name Take Back the Night have taken place worldwide.

The hope of Take Back the Night made its way stateside in 1978 when protesters in San Francisco invoked the slogan following an anti-pornography conference. On that night, those who had been adversely affected by pornography openly shared their stories with those who had gathered. Today, survivor speakouts are an inseparable part of Take Back the Night. Most present-day rallies offer survivors of violence an opportunity to give voice to their experiences and publicly affirm their transition from victim to survivor.

Common components of Take Back the Night rallies include candlelight vigils, empowerment marches, and survivor testimonials. The goals and specific features of a TBTN rally are just as varied as its vast array of supporters. Throughout its history, Take Back the Night has inspired both women and men to confront a myriad of social ills, including rape, sexual violence, domestic violence, violence against children, and violence against women. The unifying theme throughout these diverse topics is the assertion that all human beings have the right to be free from violence, the right to be heard, and the right to reclaim those rights if they are violated.

[\[TOP\]](#)


Events

www.rapecrisisaugusta.org/events.html


Rape Crisis & Sexual Assault Services

Building a Community
Free of Sexual Violence

HOMEGET HELPWHAT WE DOLEARN



EVENTS




SEXUAL ASSAULT AWARENESS MONTH

The month of April has been designated Sexual Assault Awareness Month (SAAM) in the United States to raise public awareness about sexual violence and to educate communities and individuals about sexual violence.


By working together and pooling our resources during the month of April, we can highlight sexual health, human rights and social justice issue and reinforce the need for prevention efforts.

Locally, Rape Crisis presents Sexual Assault Awareness Month through partnerships with Georgia State University and Paine College.




TAKE BACK THE NIGHT

In order to celebrate the triumphs of survivors of sexual assault and to increase the community's awareness of sexual victimization, each year Rape Crisis presents the annual Take Back the Night Rally to conclude Sexual Assault Awareness Month. Take Back the Night was created to help survivors know that they are not alone, to speak out against sexual violence, and raise community awareness against future violence. The rally also offers an opportunity for the community to state it will not tolerate these crimes or let them go silently into the night.



Join us for Take Back the Night

www.peopleagainstrape.org/events/take-back-the-night



people against rape

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Join us for Take Back the Night

– APRIL 17th at 6pm!

Thursday, April 17, 2014

6:00pm – 10:00pm


Marion Square Park

Charleston, SC, USA [\(map\)](#)

[Google Calendar](#)

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[ICS](#)



PAR's first Take Back the Night was held in 1985, making this year's event our 29th annual rally. PAR's commitment to helping and healing goes beyond responding to victims in times of crisis. We are committed to supporting survivors and encouraging them, and everyone, to speak up and speak out against violence and

Take Back The Night 2015

womenscenter.ucsc.edu/events/

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Take Back The Night 2015

PRE-TESTIMONIAL CANDLE MAKING

Monday April 27, 2015

12:00 p.m. - 4:00 p.m.

Marvella O'Hara Conference Room, 3rd Floor

TAKE BACK THE NIGHT RALLY AND MARCH

Wednesday April 28, 2015

5:00 p.m. - 6:00 p.m.

Meet at the Quarry

Vigil, Testimonials, and Guest Speaker

6:30 p.m. - 9:00 p.m.

Oakes Learning Center

ART AS HEALING


Thursday April 30, 2015

5:00 p.m. - 7:00 p.m.

Mural Conference Room, Student Health Center

THE WOMEN'S CENTER AT UCSC PRESENTS

TAKE BACK THE NIGHT 2015



"I SPEAK MY TRUTH"

GUEST SPEAKER

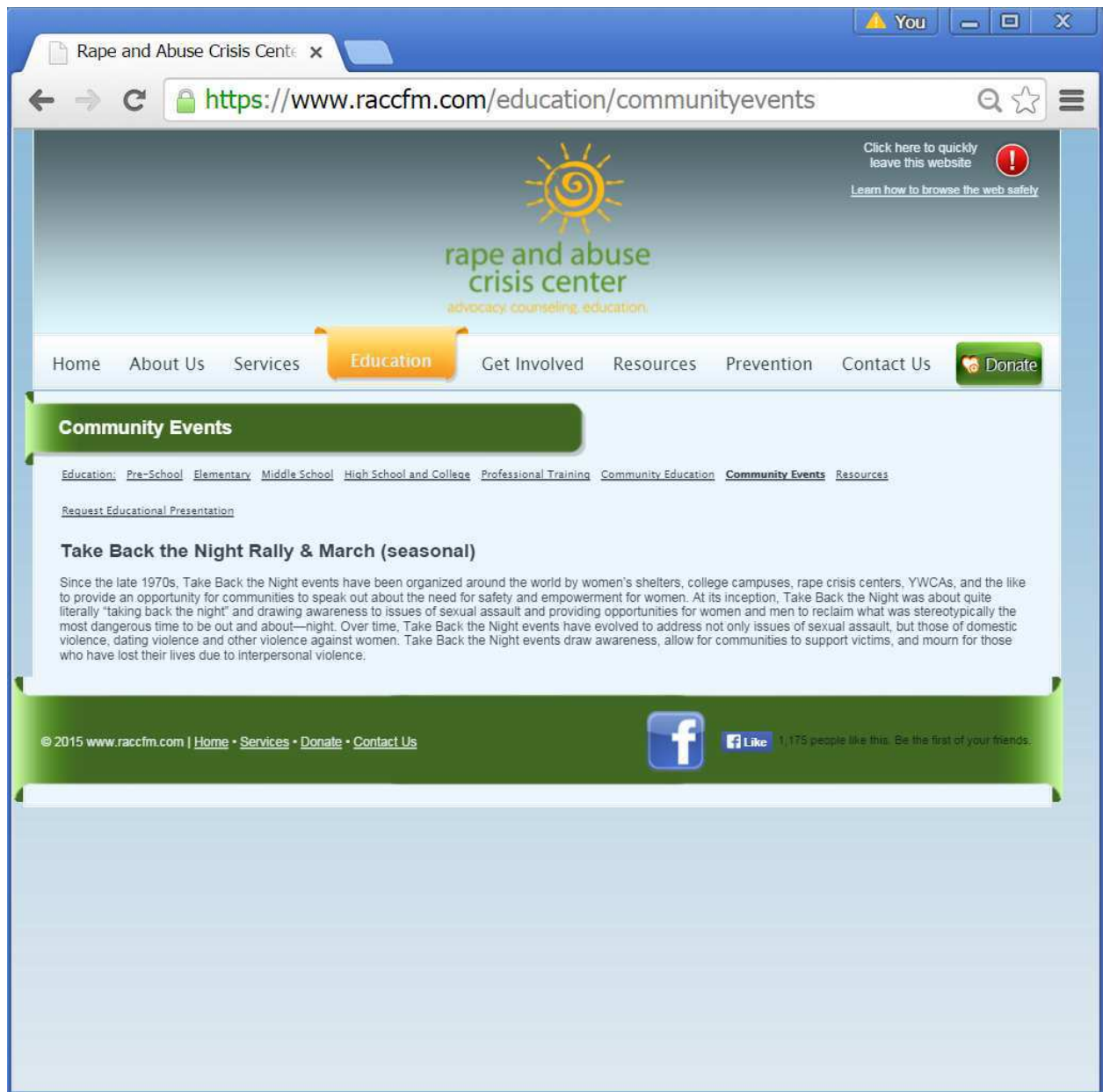
LEAH LAKSHMI PEEPZNA-SAMARASINHA

Leah Lakshmi Peepzna-Samarasinha is a queer disabled femme writer, performer, leader and teacher of Burlesque/Trans Sex/Lesbian and Drag/Performance. TBTN 2015 is a celebration of sexual violence in all forms. Her writing on femme of color and Sex/Lesbian identities, survival, healing, disability and transformative justice has convinced us that she has the ability to create an inclusive, welcoming and healing atmosphere that will encourage abilities to becoming involved and expose them to stories that are not commonly shared.

This is a fragrance free event. Thank you for not wearing any of the following: cologne, after shave lotion, perfume, perfumed hand lotion, fragrant hair products, scented candles, etc.

For ADA accommodations, please contact the Women's Center at 831-419-3072.

The Women's Center at UCSC presents Take Back the Night (TBTN) 2015: I Speak my Truth, an evening of speaking out against sexual violence in all forms—dating abuse, rape, sexual assault, domestic violence, and every other type of




Events Calendar - Knox College

https://www.knox.edu/calendar/event/E/53351

SEARCH

KNOX COLLEGE

MENU



Events Calendar

< Calendar

Contact

Mary Catherine Blair
mcblair@knox.edu

Take Back the Night

Take Back the Night will begin in the Trustee Room of Alumni Hall with a video screening and discussion. We will then head out to march through campus ending back at Alumni Hall for a rally. This event is a protest against sexual violence. It is held for the empowerment of survivors/victims and is to say that we will not stand for the mistreatment that they face.

In preparation for this event we will be making posters on Tuesday, May 5th from 6:00 to 8:00 p.m. in the Wilson House.

Time

Friday
May 8, 2015
7:00 PM

Place

Trustees Room, Alumni

100%

OF STUDENTS PUR
EXPERIENTIAL
LEARNING

EXPERIENCE (SO TO
SPEAK) ACADEMICS

Take Back the Night | YWCA x

← → ↺ ywcamv.org/take-back-the-nights/ ☆ ≡

✈

✈

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Employment

Public

FOR 24-HOUR CONFIDENTIAL HELP OR INFORMATION:

Herkimer County – Sexual Violence Services – (315) 866-4120

Oneida County – Domestic and Sexual Violence Services – (518) 797-7741

eliminating racism
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ywca

mohawk valley

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Boilermaker Charity Bib Te

Take Back the Night

Our Take Back the Night rallies are held each year in April and October to raise awareness about domestic and sexual violence, survivors and the community a venue to share their experiences and take a stand against violence in all forms.

Take Back starts with a march through the streets, transitions to a powerfully moving speak-out session, and closes with a event features our Clothesline Project and Silent Witness Project displays.


Thank You MVCC for partnering with us for this year's Utica Take Back the Night. Thank you to all of our attendee fair vendors, refreshments donors, and to all of our survivors, family and friends who participated in the speak out vigil.


Join us next week in Rome, for our Rome Take Back the Night Event.

This event begins at 6 p.m. on Tuesday, October 28, at Rome City Hall, 198 N. Washington Street.

Want more information? Have questions about the event? Contact Kristie C. at 732-2159 ext. 230 or kcieslak@ywcamv.org

Take Back the Night 2014





www.ywcamclean.org/atf/cf x

← → ↻ www.ywcamclean.org/atf/cf/%7Bf1ba603b-8605-471c-b43f-70032 ☆ ☰

Take Back the Night

Shatter the Silence. Stop the Violence.

Join YWCA McLean County Stepping Stones to **Take Back the Night** and raise awareness for sexual violence and to support survivors in their healing process.

- Hear from featured speakers who will share their stories of trauma and how they prevailed.
- Participate in a rally and a one-and-half mile march through downtown Bloomington, speaking out against violence, followed by a candlelight vigil.
- Regroup at the library for a chance to debrief and gather resource materials from participating agencies.





You don't have to be a survivor, or even know a survivor to attend. People of all ages, races, religions, backgrounds, and genders are welcome to attend this free event and join us as we work toward a violence-free world.

For more information, please visit www.ywcamclean.org or contact Valerie at (309) 662-0461, ext. 287 or vparker@ywcamclean.org.


Thursday, April 24 | 6-8:30 p.m.


Take Back The Night | YWCA x

← → ↺ ywcamoncton.com/events/tack-back-the-night ☆ ≡



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Take Back The Night


Part of our Week Without Violence


Take Back the Night is a community march against sexual violence that takes place annually in communities around the world.

While the event is typically fueled by a healthy dose of indignation, it ultimately embodies a transcendent, hopeful spirit and a sense of solidarity amongst participants. We march because we believe our commitment and action on the issue of sexual violence—symbolized by reclaiming nighttime streets—can and will change the status quo.

Moncton's first annual Take Back the Night was organized in as part of Week Without Violence 2012 by YWCA Moncton, Crossroads for Women, the Beausejour Family Crisis Resource Centre, and Support to Single Parents with support from the United Way of Greater Moncton and Southeastern New Brunswick.







Take Back The Night | Womanspace

www.womanspace.org.vt.edu/wordpress/?page_id=7


Womanspace
A Virginia Tech Community

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Take Back The Night

Here is a video of the 25th annual Take Back the Night Rally & March

Take Back the Night 2014



Take Back the Night is an annual event that takes place on the last Thursday in March. The program was created to bring people together in protesting sexual violence. Take Back the Night begins with a rally on campus that includes live music, speakers, and personal stories of violence. The speakers talk about sexual violence in our society and how we can all play a key role in preventing it. The rally ends with personal stories by survivors of sexual assault, as part of their healing process. The stories are followed by a candlelight march through the campus of Virginia Tech and the streets of Blacksburg. This entire event takes place at night to symbolize the reclaiming of the night for all people.





Women, men, and children are encouraged to march, either as individuals or as part of a group. Organizations are invited to bring signs or a group banner in support of Take Back the Night, which is part of the Women's Month 2011 awareness campaign.

Each participant is asked to wear a purple ribbon tied with a knot for every friend or family member who has been sexually assaulted. Ribbons will be worn throughout Women's Month to show support for victims and to protest sexual violence against all people. Purple ribbons will be available at information tables at Take Back the Night and each weekday at the Women's Center at Virginia Tech, located at 206 Washington St.

The first Take Back the Night event was held in Germany in 1973 in response to a series of sexual assaults, rapes, and

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Take Back the Night 2015

www.uky.edu/StudentAffairs/VIPCenter/pe_tbtn.php

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VIOLENCE INTERVENTION AND PREVENTION CENTER

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TAKE
BACK
—the—
NIGHT
TUESDAY // APRIL 14

Take Back the Night is an annual march and rally that allows you to take a stand against interpersonal violence in our community.
@TBTNLex #TBTNLex
TakeBacktheNightLex.wordpress.com


PROGRAMS & EVENTS

takebackthenightlex.wordpress.com

Take Back The Night

Take Back the Night (TBTN) is Lexington's annual march and rally that allows you (and the rest of the community) to take a stand against interpersonal violence in our community.

For the latest information, visit takebackthenightlex.wordpress.com



Quick Links


+

GET HELP NOW

TALK TO

Take Back the Night - Unive x


calendar.uoregon.edu/event/take_back_the_night_5060 ☆

 UNIVERSITY OF OREGON

Events Calendar

Search places, events, groups

UNIVERSITY OF OREGON EVENTS » EVENT DETAILS



Take Back the Night

🕒 Thursday, April 30 at 6:00pm to 9:00pm

📍 Erb Memorial Union (EMU), Amphitheater

Erb Memorial Union, Eugene, OR





March, rally and speak out for survivors of sexual assault and supporters.

The last Thursday of every April - Rally at 6:30 (EMU Amphitheater, UO Campus) March to Downtown Eugene, and Survivor Speak Out with video, live performance

Central MN Take Back the N x

cmsac.org/take-back-the-night-st-cloud/

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Central Minnesota Sexual Assault Center

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Central MN Take Back the Night 2015

Take Back the Night is a local event held in honor of victims of domestic violence and sexual assault.

Watch this space regarding 2015 event now being planned. The event is held to raise awareness and to be an outlet for victims and survivors to reclaim their lives from violence.


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Message About "The Hunting Ground" Screening

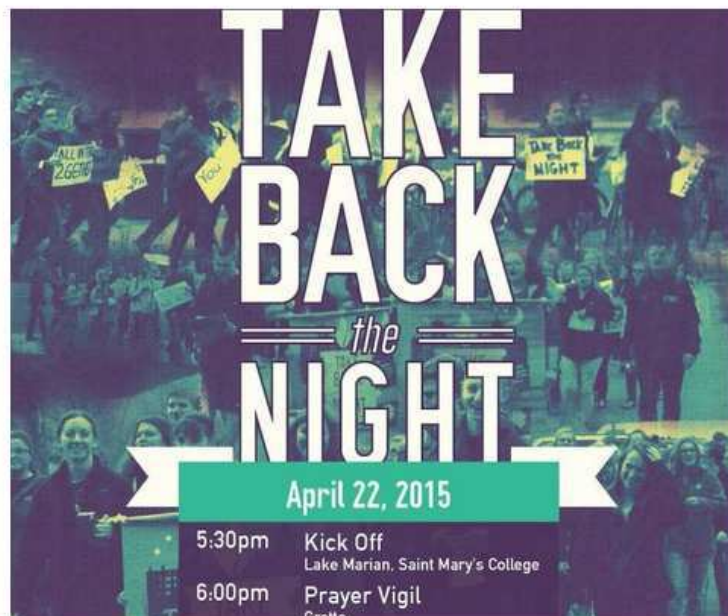
Take Back the Night


Saint Mary's College and the University of Notre Dame are co-sponsoring Take Back the Night on Wednesday, April 22, 2015!

Click [here](#) to visit the official Take Back the Night Foundation website.

Take Back the Night at the University of Notre Dame and Saint Mary's College is an event where men and women of our community stand in solidarity with survivors of sexual assault, relationship violence, and stalking. As survivors and allies, we demonstrate our commitment to preventing this violence from happening in our community.

Our event will include a kickoff at Saint Mary's; a candlelight prayer vigil service; a march around campus with chanting and signs; and a speak out of personal stories at the Oak Room in South Dining Hall followed by dinner and hospitality (musical performances, refreshments, and resources).





2015 STEERING COMMITTEE

STACEY DILLARD
Co-Chairperson
National Hookup of Black Women

LISA TOMKO,
Co-Chairperson
Office of State Representative Natalie Manley

AMIRRAH ABOU-YOUSSEF
Guardian Angel Community Services

DARLENE BUNCH
Will County State's Attorney Office

KATRINA CRONE
Presence St. Joseph Medical Center

SHELBY HAMMOND
Plainfield Jr. Women's Club

CONNIE HEAD
Joliet Jr. Women's Club

BONNIE HORNE
Zonta Club of Joliet Area

CAROLYN KAHN
Bridges to a New Day

MARSHA LEGA
Marsha Lega Studio, Inc.
Zonta Club of Joliet Area

BETH ANN MAY
Joliet Township Clerk
Zonta Club of Joliet Area

LORA MCGUIRE
Presence St. Joseph Medical Center
Zonta Club of Joliet Area

SR. ALBERT MARIE PAPESH, OSF
Sisters of St. Francis of Mary Immaculate

CHERRY POWELL
First Assembly of God Church

YOLANDA REYES
Prairie State Legal Services
Zonta Club of Joliet

COURTNEY SCHAUS
Big Brothers Big Sisters

Dear Community Member and Business Leaders,

Violence against women will not go away if we just shut our eyes to it. The *Will County Take Back The Night* steering committee is asking for your support and help in opening eyes to an insidious problem in all communities.

Your generous response in the past through donations, as well as attendance at the *Will County Take Back the Night* annual vigil and march is greatly appreciated. Again we come to you, our friends and members of the community, for help to bring attention to the cause and provide support to victims, victims' families and survivors of domestic violence.

The 19th annual *Will County Take Back The Night* will take place on Thursday, October 1, 2015 at 5:30 pm at First Assembly of God Church at 1741 Essington Road, Joliet, IL 60435.

This year's speaker will be Victor Pacini, the founder of www.VictimToVictor.org, a motivational speaker and the author of many books. Victor Pacini knows the delicate nature of abuse. Not only is he a survivor of sexual abuse but his sister was murdered in 2001. He co-founded A Night For Renée, an annual benefit that raises money and awareness for domestic violence. He has dedicated his life empowering young people to share that confident voice.

The evening's tradition of honoring the women and children who have been murdered over the last ten years with a ceremony and march will continue. Community organizations that provide help to victims and families will be available that evening.

Please support Will County Take Back The Night by committing to a sponsorship level listed on page 2. Your financial support will be noted in our program book. Will County Take back the Night is a non-profit 501c3 organization. Donations help us provide assistance to non-profit agencies that work directly with women, children and families whose lives have been affected by violence.